

10/31/97

Atty. Dkt. No.: 32892.22
USSN: Unassigned
Inventor: Eugenio A. Cefali

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

EUGENIO A. CEFALI

Entitled: Intermediate Release Nicotinic Acid Compositions for Treating Hyperlipidemia
Which Exhibit an *In Vivo* Stair-Stepped Absorption Curve

To the Assistant Commissioner
for Patents
Box Patent Application
Washington, D.C. 20231

CERTIFICATE OF MAILING BY EXPRESS MAIL

"EXPRESS MAIL" Mailing Label No. E165742870783

Date of Deposit October 31, 1997

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Address" section of the U.S. Postal Service. The addressee is **President** for **CFR 1.10**, U.S. Government, Washington, D.C. 20231

Type or Print Name: A. M. (Andy) Arimando, Jr.
Andy Arimando Jr.

Signature: *Andy Arimando Jr.*

Dear Sir:

REQUEST FOR FILING A NATIONAL PATENT APPLICATION

—mitts herewith for filing, please find the following:

i. Specification, claims and abstract of the above-referenced patent application having 47 pages.

ii. Drawings (formal / informal) comprising Figures 1-5.

iii. Combined Declaration and Power of Attorneys
(signed unsigned).

3A. No executed Oath, or Declaration, nor is any fee enclosed pursuant to 37 C.F.R. 1.53(d).

iv. Information Disclosure Statement along with Form PTO-1449 and references.

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v. This is a: Continuation-In-Part; Divisional; Continuation; substitute Application (MPEP 201.09) of Application Serial No. 08/814,974 filed March 6, 1997; reissue of U.S. Patent No. filed on .

An extension to extend the life of the above prior Application to at least the date of filing hereof

(One box must be marked)

(a) is concurrently being filed in that prior Application,
(b) was previously filed in that prior Application,
(c) is not necessary for copendency.

vi. Attached is an assignment to Please return the recorded assignment to the undersigned.

vii. Priority is claimed under 35 U.S.C. § 119 based on filing in (country).

Application No. Filing Date

(1)
(2)
(3)

(No.) Certified copy (copies) are attached; or were previously filed on .

viii. Attached: (No.) verified statement(s) establishing "small entity" status under 37 CFR § 1.9 and 1.27.

ix. Attached:

Return Postcard
 Assignment (unsigned)
 Verified Statement (unsigned)

x. Preliminary Amendment:

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Prior to a first Office Action, kindly amend the Application as follows:

xii. The following Filing Fee calculation is based on the claims filed less any claims canceled by the Preliminary Amendment of Item 10.

BASIC FEE					SMALL ENTITY RATE	LARGE ENTITY RATE	\$	=	+\$ 395.00
					\$ 395.00	OR			
NUMBER FILED				NUMBER EXTRA					
TOTAL CLAIMS	4	-20	=	0 (at least 0)	x 11	OR	x 22	=	+\$
INDEP. CLAIMS	2	-3	=	0 (at least 0)	x 40	OR	x 80	=	+\$
If any proper multiple dependent claim (ignore improper) is present (Enter \$0.00 if this is a reissue application.)					+\$130	OR	+\$260	=	+\$
If assignment is x'd (item 6), add recording fee \$40.00									+\$
Attached is a Rule 47 Petition (inventor refuses to sign or cannot be reached) \$130									+\$
TOTAL FILING FEE									=\$ 395.00

— xii. A check in the amount of \$ to cover the Filing Fee calculated in Item 11 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0447/32892.18.

— xiii. Please charge my Deposit Account No. 10-0447 in the amount of \$ to cover the Filing Fee calculated in Item 11. This sheet is attached in duplicate.

— xiv. The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and may be required under 37 CFR 1.16-1.18 (missing or insufficiencies only) now or hereafter

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relative to this application and for the resulting Official Document under 37 CFR 1.20, and to have and cause any necessary petition for extension of time to be filed and any fees necessary to be paid for said extension of time OR credit any overpayment to our Deposit Account No. 10-0447, for which purpose a duplicate copy of this sheet is attached. The Commissioner is not authorized to charge the issue fee until/unless an issue fee transmittal form is filed.

Respectfully submitted,

JENKENS & GILCHRIST, P.C.

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Peter J. Manso
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